

prescribed by Section 52, Article 3, of the Constitution; providing that it shall not be necessary for Road District No. 4, of Lamb County, Texas, hereby created, to vote and issue bonds to compensate Road District No. 2; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 38, by a vote of 137 ayes and 0 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 11 on Passage to Engrossment

The Senate resumed consideration of pending business, S. B. No. 11, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16

Aikin	Mauritz
Beck	Metcalf
Chadick	Moffett
Cotten	Moore
Hill	Shivers
Isbell	Smith
Lanning	Sulak
Lovelady	Vick

Nays—10

Brownlee	Ramsey
Formby	Stone
Hazlewood	Weinert
Kelley	Winfield
Martin	York

Absent

Fain	Lemens
Graves	Van Zandt

Absent—Excused

Spears

The Senate, accordingly, at 12.25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-FOURTH DAY

(Wednesday, March 12, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. Kenneth Pope, Pastor of the First Methodist Church of Austin, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Van Zandt (by request):

S. B. No. 273, A bill to be entitled "An Act amending Chapter 138, Acts of the Regular Session of the Forty-third Legislature, as amended by Acts of the Regular Session of the Forty-fourth Legislature, 1935, Chapter 289, page 679, known as H. B. No. 522, and codified as Article 5068b, Vernon's Annotated Civil Statutes of Texas, so as to amend Section 1 thereof to include agents of burial associations, group hospital service companies or associations, and fraternal benefit societies or associations; providing that each agent shall make application for a license to act as agent for a particular insurance company;

association, or society; providing that the application be accompanied with notice of appointment by such company, association, or society and making the receipt of such appointment a prerequisite to issuance of license; providing for other qualifications; amending Section 2 thereof so as to conform with Section 7a and the changes made in Section 1 hereof; amending Section 7 to conform with Sections 1 and 2 hereof, and providing that the fee of One (\$1.00) Dollar shall entitle an agent to represent the company appointing him during the license year; providing for termination or revocation of license or licenses of each agent; providing for a new Section to be known as Section 7b so as to provide that this Act shall repeal any words, phrases, or clauses or any part of the Act amended and any Act of the insurance laws which conflict or do not conform with the intent and provisions hereof; and declaring an emergency."

To Committee on Insurance.

By Senator Van Zandt (by request):

S. B. No. 274, A bill to be entitled "An Act amending Article 578 of the Penal Code of the State of Texas of 1925 so as to provide that any person accepting or receiving a rebate or special favor or inducement to insurance shall be fined; providing for immunity from prosecution to any person whose testimony may be incriminating at the trial of any other person charged with the violation of the provisions of this article; and declaring an emergency."

To Committee on Insurance.

By Senator Martin:

S. B. No. 275, A bill to be entitled "An Act to amend Article 6371 of the Revised Civil Statutes of Texas 1925, as amended by Chapter 107 Acts of the Regular Session of the Forty-second Legislature which regulates the equipment of locomotives as to whistles and bells, and to amend Article 1672 of the Penal Code of the Revised Criminal Statutes of Texas 1925, which relates to ringing of bells and the blowing of whistles at crossings of public roads and streets. This amendment providing that said locomotives may be equipped with air siren, steam whistle or air whistle, and substituting for the word 'whistle' in said Acts the words 'sounded or blown,' and providing that the gov-

erning bodies of cities and towns having a population of five thousand (5,000) or more may by ordinance regulate the ringing of said bells and the sounding or blowing of said whistles or sounding of sirens within the corporate limits; and repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Labor.

By Senator Martin:

S. B. No. 276, A bill to be entitled "An Act granting permission to Thomas H. Fort to file and prosecute suit against the State of Texas and the State Highway Commission to ascertain and fix the amount, if any, due said Thomas H. Fort for damages alleged to have been sustained by reason of the construction, during the years 1939 and 1940, of highway improvements, consisting generally of road bed treatment, concrete pavement and appurtenances, on those parts of United States Highway No. 80 in Tarrant County, Texas, and East Rosedale Street, Fort Worth, Tarrant County, Texas, which are at and near the intersection of said Highway No. 80 and said East Rosedale Street, and along and near to the North and East lines of a tract of land belonging to said Thomas H. Fort, in Tarrant County, Texas, and on account of alleged damages resulting from the construction of said highway improvements in such way as to overflow and otherwise damage said land of Thomas H. Fort, and on account of the compensation, if any, to which said Thomas H. Fort may be entitled by reason of the taking and damaging, by the State of Texas and the State Highway Commission, of said property for said public use, and permitting the rendition of judgment for such damages and compensation, if any, as may be ascertained by such suit; that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party; providing for the service of citation on the State and the Highway Commission; providing the time in which such suit may be brought; providing that the State of Texas and State Highway Commission may plead any defense available to it, except the statute of

limitation; and declaring an emergency."

To Committee on State Affairs.

By Senator Sulak:

S. B. No. 277, A bill to be entitled "An Act providing for preference of employment in all State Departments of this State of widows and widowed mothers of soldiers, sailors, nurses and marines of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, the late World War of the Allied Nations, and the present National Defense Program and any conflicts arising in connection therewith; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; and providing exemptions from said Act; and declaring an emergency."

To Committee on State Affairs.

By Senator Mauritz:

S. B. No. 278, A bill to be entitled "An Act amending Article 2702, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 348, Acts of the Forty-second Legislature, providing that in counties having a population of not less than eight thousand six hundred (8,600) nor more than nine thousand (9,000) according to the last preceding Federal Census, an election may be ordered as otherwise provided herein, to determine whether or not said county shall adopt the county unit system of education; and declaring an emergency."

To Committee on Education.

By Senator Mauritz:

S. B. No. 279, A bill to be entitled "An Act creating a special road law for San Patricio County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the general laws of the State of Texas shall be applicable to San Patricio County when not in conflict herewith; providing this Act shall be cumulative of all general and special

laws not in conflict herewith; providing a saving clause; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Aikin:

S. B. No. 280, A bill to be entitled "An Act authorizing any school district having an indebtedness in excess of six (6%) per cent of its assessed valuation in which is located a school building which shall have been condemned by certain authorities, to levy a tax of not to exceed seventy-five (75c) cents on the One Hundred (\$100.00) Dollars valuation for the purchase, construction, repair or equipment of school buildings and the payment of principal and interest on bonds issued for such purpose; providing that the aggregate amount of such bonds at the time of issuance shall never reach an amount such that a tax of seventy-five (75c) cents on the One Hundred (\$100.00) Dollars valuation will not pay interest and principal as they accrue and mature; providing that the amount of maintenance tax and the amount of bond tax together shall never exceed One and 25/100 (\$1.25) Dollars on the One Hundred (\$100.00) Dollars valuation; providing that the bond tax shall operate to reduce the maintenance tax to the difference between the rate of bond tax and One and 25/100 (\$1.25) Dollars; providing that such tax shall not be levied and such bonds shall not be issued until authorized by an election; enacting other provisions relating to the subject hereof; and declaring an emergency."

To Committee on Education.

By Senator Aikin:

S. B. No. 281, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Brownlee:

S. B. No. 282, A bill to be entitled "An Act regulating fishing in or on Lake Travis and Lake Austin, and defining such lakes; providing the gear or tackle that may be used; providing an open season; providing a bag or possession limit for different varieties of fish that may be taken, and providing a total bag limit; providing the length of different varieties of fish that may be taken; repealing all laws in conflict with this Act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Metcalfe (by request):

S. B. No. 283, A bill to be entitled "An Act amending S. B. No. 113, Chapter 309, Acts of the Regular Session of the Forty-fifth Legislature [relating to certain disbursements from available school fund]; declaring the Act to be severable and declaring an emergency."

To Committee on Education.

By Senator Metcalfe (by request):

S. B. No. 284, A bill to be entitled "An Act relating to taxes in common and independent school districts; authorizing districts to increase tax levies for debt service to One (\$1.00) Dollar and total tax for maintenance and bonds to not more than One and 50/100 (\$1.50) Dollars, under the circumstances prescribed in this Act; and declaring an emergency."

To Committee on Education.

By Senator Formby:

S. B. No. 285, A bill to be entitled "An Act to create the office of District Attorney for the 99th Judicial District of Texas; providing that the officer presently serving both the 72nd and the 99th Judicial District as District Attorney shall henceforth be District Attorney of the 72nd Judicial District only, with a salary equal to the sum he is now receiving; providing that the salary for the District Attorney of the 99th Judicial District shall be in an amount equal to that now received by the District Attorney acting for the 72nd and 99th Judicial Districts; providing that the Governor shall appoint a District Attorney for the 99th Judicial District to serve until the next general election; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 286, A bill to be entitled "An Act providing that the commissioners' courts in all counties of the State of Texas shall have the authority to direct, control, employ and discharge all building superintendents, telephone operators, elevator operators, janitors and all other employees necessary to the upkeep, maintenance and operation of the court houses in their counties, excepting jail guards, matrons and other employees directly engaged in the operation and maintenance of the jails and the safekeeping of prisoners in such counties, prescribing rules regarding such employees, and limitations upon the amount of salary to be paid, the method of employing and accounting, and the period for which such employment shall be made; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Spears:

S. B. No. 287, A bill to be entitled "An Act providing for the creation of a county police force in all counties in this State having not less than three hundred twenty-five thousand (325,000) and not more than three hundred seventy-five thousand (375,000) inhabitants according to the last preceding Federal Census, and having an assessed tax valuation of not less than One Hundred Sixty Million (\$160,000,000.00) Dollars, according to the approved tax roll of 1940 of any such county; whose duty it shall be to patrol that part of the county lying outside of the corporate limits of the county seat, to better provide for the enforcement of the law in said counties by providing for additional enforcement officers; prescribing the manner of the appointment of the members of such county police force, their duties and compensation; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears:

S. B. No. 288, A bill to be entitled "An Act providing that the commissioners' courts in counties of more than three hundred twenty-five thousand (325,000) and less than three hundred seventy-five thousand (375,000) inhabitants, according to the last preceding Federal Census, shall have

the authority to direct, control, employ and discharge all building superintendents, telephone operators, elevator operators, janitors and all other employees necessary to the upkeep, maintenance and operation of the court houses in their counties, excepting jail guards, matrons and other employees directly engaged in the operation and maintenance of the jails and the safekeeping of prisoners in such counties, prescribing rules regarding such employees, and limitations upon the amount of salary to be paid, the method of employing and accounting, and the period for which such employment shall be made; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Fain:

S. B. No. 289, A bill to be entitled "An Act to amend Article 4477 of the Revised Civil Statutes of Texas, Rule 82, Sanitary Code, regulating the shipment of dead bodies not by express, and providing that such shipment may be made unaccompanied by a person in charge, provided two passenger tickets of the first class marked 'corpse' for the transportation of said body with a transit permit showing physician's or coroner's certificate shall be presented to the railroad company; name of deceased, hour of death, date of death; age, cause of death and if of a contagious disease the names of those authorized by the health authorities to accompany the body, regulating the issuance of the transit permits; declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Fain:

S. B. No. 290, A bill to be entitled "An Act amending Article 6194 Revised Civil Statutes of 1925, as amended by Chapter 212, 'Section 23, Commutation and Forfeiture,' Acts of the Regular Session of the Fortieth Legislature, 1927, General Laws, fixing the commutation of time for good conduct for prisoners in the Texas Prison System; and defining a month in calendar days and commutation credits, and further defining term under which convicts serving two or more sentences shall be allowed commutation so that they shall not be

allowed commutation on each separate sentence apart from the others, and further defining the application of this Act to convicts who escape and return voluntarily and to convicts who escape and are captured, and limiting the powers of the general manager of the Texas Prison System in restoring forfeited credits, and exceptions thereto, and fixing the date when this Act shall become effective; and declaring an emergency."

To Committee on Penitentiaries.

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 120, A bill to be entitled "An Act providing that the fee to be paid the county and district clerks in any suit in which final judgment or order is entered shall be not less than Five (\$5.00) Dollars, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 119, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, etc.; providing for the appointment of county auditors in certain counties; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

WEINERT, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 165, A bill to be entitled "An Act to protect and preserve the political right and freedom, right and status of any and all persons employed, on or to be on leave of absence, or in military service of the U. S., by any person, firm, corporation or association of persons, by regulating in certain particulars the rights and relationships between such employers and employees with respect to political affairs, reinstatement and/or re-employment in former position with employer etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

WEINERT, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 242, A bill to be entitled "An Act to amend Article 1813, Revised Civil Statutes of Texas, 1925, etc., so as to add thereto a provision for the appointment of a special commissioner to serve with and assist a court of civil appeals where a member thereof is called or ordered into active military service of the United States; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 152, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds; providing method of paying

and securing such bonds; enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to amend Article 4629 of the Revised Civil Statutes of Texas, 1925, as amended, by providing grounds for a divorce; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 266, A bill to be entitled "An Act providing for a separate depository for the administration of the school funds of the Prosper Independent School District; providing for a depository bond; providing for the management of the schools of the Prosper Independent School District; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report:

Senate Chamber,
Austin, Texas,
March 11, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 271, A bill to be entitled "An Act declaring that members of

the Army, Navy or Marine Corps forces stationed in this State, so far as appertains to hunting and fishing, shall be given the same privileges as are given to residents of this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Bill 218 Re-referred

Senator Chadick moved that S. B. No. 218 be re-referred from the Committee on State Affairs to the Committee on Senatorial Districts.

The motion prevailed by the following vote:

Yeas—18

Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Smith
Isbell	Sulak
Kelley	York

Nays—11

Aikin	Stone
Cotten	Van Zandt
Martin	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	

Absent

Hill

Absent—Excused

Spears

House Bill 208 on Second Reading

Senator Shivers moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 203 at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Cotten	Isbell
Fain	Kelley

Lanning	Shivers
Lemens	Smith
Lovelady	Stone
Martin	Sulak
Mauritz	Van Zandt
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York

Absent—Excused

Spears

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 208 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 208, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 208 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 208 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

House Bill 482 on Second Reading

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 482 at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 482 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 482, A bill to be entitled "An Act validating certain bonds heretofore authorized to be issued under

the authority of Chapter 83 of the Acts of the First Called Session of the Forty-first Legislature in reference to acquisition of lands by cities and counties for airport purposes; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 482 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 482 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

House Concurrent Resolution 45

On motion of Senator Chadick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 45 at this time.

The President laid before the Senate:

H. C. R. No. 45, Authorizing C. O. Kieffer to sue the State.

The resolution was read.

Senator Chadick offered the following amendments to the resolution:

(1)

Amend H. C. R. No. 45 by striking out the last paragraph of such resolution.

(2)

Amend H. C. R. No. 45 by adding the following at the end of such resolution:

"However, it is to be understood that the purpose of this resolution is to grant permission to said C. O. Kieffer to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution and the facts as set out herein must be proved in court."

The amendments were adopted.

The resolution as amended then was adopted.

House Concurrent Resolution 41

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 41 at this time.

The President laid before the Senate:

H. C. R. No. 41, Memorializing the Congress of the United States in reference to gasoline taxes.

The resolution was read and was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. C. R. No. 26, Authorizing the Texas Highway Department to lend certain guard wire for the purpose of preserving a prairie dog colony in Mackenzie State Park.

S. B. No. 221, A bill to be entitled "An Act authorizing the issuance of bonds by the Commissioners' Court of Limestone County after same shall have been authorized by a majority vote of the qualified property tax paying voters of said county voting at an election called for the purpose, bearing interest at a rate of not exceeding five (5%) per cent per annum, for the purpose of funding the road and bridge indebtedness of the county, incurred prior to the effective date of this Act, into bonds of Limestone County, this law being a local road law for Limestone County; enacting regulations and limitations relating thereto; prohibiting the commissioners' court of said county from issuing any warrants, scrip or other evidence of indebtedness against the road and bridge fund of said county, except as authorized by this Act, in excess of the current revenues of said county for road and bridge purposes, and providing that any contract or indebtedness made in violation of this Act shall be void; enacting all other provisions necessary and incidental to the subject and purpose of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, by adding thereto subsection (d), to allow the commissioners' courts in all counties of more than one hundred thousand and one (100,001), and less than one hundred ten thousand (110,000) population, according to the last preceding Federal Census, to fix the salary of the county treasurer at any sum not less than Fifty (\$50.00) Dollars per month; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

In accordance with S. C. R. No. 27 (relating to fireproofing the Capitol) the following committee has been appointed on the part of the House: Smith of Bastrop, Garland and Hobbs.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following House bills, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 139, to Committee on Civil Jurisprudence.

H. B. No. 389, to Committee on Civil Jurisprudence.

H. B. No. 256, to Committee on Civil Jurisprudence.

H. B. No. 247, to Committee on Civil Jurisprudence.

H. B. No. 442, to Committee on Civil Jurisprudence.

H. B. No. 262, to Committee on Civil Jurisprudence.

H. B. No. 201, to Committee on Civil Jurisprudence.

H. B. No. 218, to Committee on Criminal Jurisprudence.

H. B. No. 555, to Committee on Criminal Jurisprudence.

H. B. No. 540, to Committee on Penitentiaries.

H. B. No. 137, to Committee on State Affairs.

H. B. No. 154, to Committee on State Affairs.

H. B. No. 593, to Committee on Judicial Districts.

H. B. No. 263, to Committee on Insurance.

H. B. No. 441, to Committee on Finance.

H. B. No. 378, to Committee on Finance.

H. B. No. 446, to Committee on Highways and Motor Traffic.

H. B. No. 159, to Committee on Stock and Stock Raising.

H. B. No. 631, to Committee on Stock and Stock Raising.

H. B. No. 434, to Committee on Stock and Stock Raising.

H. B. No. 405, to Committee on Oil, Gas and Conservation.

H. B. No. 98, to Committee on Education.

H. B. No. 349, to Committee on Education.

H. B. No. 424, to Committee on Education.

H. B. No. 473, to Committee on Game and Fish.

H. B. No. 649, to Committee on Game and Fish.

H. B. No. 650, to Committee on Game and Fish.

H. B. No. 412, to Committee on Game and Fish.

H. B. No. 439, to Committee on Game and Fish.

H. B. No. 440, to Committee on Game and Fish.

H. B. No. 447, to Committee on Counties and County Boundaries.

H. B. No. 471, to Committee on Counties and County Boundaries.

H. B. No. 476, to Committee on Counties and County Boundaries.

H. B. No. 477, to Committee on Counties and County Boundaries.

H. B. No. 489, to Committee on Counties and County Boundaries.

H. B. No. 295, to Committee on Counties and County Boundaries.

H. B. No. 436, to Committee on Counties and County Boundaries.

H. B. No. 110, to Committee on Counties and County Boundaries.

H. B. No. 144, to Committee on Counties and County Boundaries.

H. B. No. 157, to Committee on Counties and County Boundaries.

H. B. No. 494, to Committee on Counties and County Boundaries.

H. B. No. 708, to Committee on Counties and County Boundaries.

H. B. No. 654, to Committee on Counties and County Boundaries.

H. B. No. 652, to Committee on Counties and County Boundaries.

H. B. No. 508, to Committee on Counties and County Boundaries.

H. B. No. 522, to Committee on Counties and County Boundaries.

H. B. No. 548, to Committee on Counties and County Boundaries.

H. B. No. 577, to Committee on Counties and County Boundaries.

H. B. No. 608, to Committee on Counties and County Boundaries.

H. B. No. 609, to Committee on Counties and County Boundaries.

H. B. No. 610, to Committee on Counties and County Boundaries.

H. B. No. 356, to Committee on Counties and County Boundaries.

H. B. No. 408, to Committee on Counties and County Boundaries.

H. B. No. 409, to Committee on Counties and County Boundaries.

H. B. No. 417, to Committee on Counties and County Boundaries.

Reference of House Concurrent Resolutions

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 55, to Committee on Agriculture.

H. C. R. No. 56, to Committee on State Affairs.

Bill and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. C. R. No. 38, Granting Miss Nora Mae Shuff permission to sue the State.

H. B. No. 482, A bill to be entitled "An Act validating certain bonds heretofore authorized to be issued under the authority of Chapter 83 of the Acts of the First Called Session of the Forty-first Legislature in reference to acquisition of lands by cities and counties for airport purposes; and declaring an emergency."

Reports of Standing Committees

Senator Formby, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 159, A bill to be entitled "An Act relating to marks and brands of livestock in Gonzales County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force

or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the county clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FORMBY, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, Providing that all road user tax revenues shall be used exclusively for road purposes.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and be printed.

BECK, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 213, A bill to be entitled "An Act providing for compensation to be paid county commissioners for their services as ex-officio road commissioners; providing for reimbursement of county commissioners for the use by such commissioners of their personal automobiles in traveling in the discharge of their duties as ex-officio road commissioners; and limiting the application of this Act to counties regularly maintaining in excess of one thousand (1,000) miles of county maintained roads and having an assessed valuation, accord-

ing to the approved tax rolls for the last preceding year, exceeding Thirty-five Million (\$35,000,000.00) Dollars; repealing all laws or parts of law in conflict herewith; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass but that the substitute bill attached hereto be passed in lieu thereof and be not printed.

RAMSEY, Chairman.

**Committee Substitute House Bill 19
on Passage to Third Reading**

The President laid before the Senate, as the unfinished business, on its passage to third reading (the bill having been read second time on March 5, 1941):

C.S.H.B. No. 19, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5 of Chapter 282, Acts, Regular Session, Forty-second Legislature; repealing Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, and all laws in conflict herewith, said Acts relating to the operation of vehicles on the public highways of Texas; providing nothing herein shall be construed as authorizing increase in size or dimensions of commercial motor vehicles as now provided by law; and declaring an emergency."

With the following amendment by Senator Van Zandt pending:

Amend H. B. No. 19 by striking out the figures "700" in line 59, page 1, and substituting in lieu thereof "375" and by striking out the figures "700" in line one, page two, and substituting in lieu thereof the figures "375" and by striking out the words and figures "forty-eight thousand (48,000)" in line two on page two, and substituting in lieu thereof the words and figures "thirty thousand (30,000)."

Question—Shall the amendment be adopted?

Senator Van Zandt withdrew the amendment.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 19 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Except as otherwise provided by law, no commercial motor

vehicle, truck-tractor, trailer or semi-trailer, nor combination of such vehicles shall be operated over, on, or upon the public highways outside the limits of an incorporated city or town, the total gross weight of which exceeds that given by the following formula:

W equals C time (L plus 40), where

W equals total gross weight, including load and vehicle in pounds;

C equals 437.5

L equals the distance between the first and last axles of a vehicle or combination of vehicles, in fact,

Under the foregoing formula, the gross weight is ascertained by adding forty (40) to the distance in feet between the first and last axles of a vehicle or combination of vehicles and multiplying this sum by four hundred thirty-seven and five tenths (437.5).

Provided, however, the gross weight permitted by the foregoing formula shall be subject to the following restrictions and limitations:

Provided, however, the gross weight of vehicle and load shall never exceed thirty-five thousand (35,000) pounds.

No such vehicle nor combination of vehicles shall have a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and no wheel shall carry a load in excess of eight thousand (8,000) pounds, nor any axle a load in excess of sixteen thousand (16,000) pounds. An axle load shall be defined as the total load on all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart.

Section 2. That Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, amending Section 5 of Chapter 42, General Laws of Texas, Forty-first Legislature, Second Called Session, by the addition of Section 3 (b) thereto, be and the same is hereby repealed.

Section 3. That Section 5(b), Chapter 282, of the General Laws of the State of Texas, passed by the Forty-second Legislature, Regular Session, is hereby repealed.

Section 4. Any license and weight inspector of the Department of Public Safety, any highway patrolman, sheriff, or their duly authorized deputies, having reason to believe that the gross weight of any vehicle and the load thereon, is unlawful, is authorized to weigh the same either by

means of portable or stationary scales furnished or established by the Department of Public Safety, or cause the same to be weighed by any public weigher, and is authorized to require that such vehicle be driven to the nearest available scales, whether it be those furnished by the Department of Public Safety, or those of a public weigher, in the direction of destination, for weighing of said vehicle and said load, and in the event the gross weight of any such vehicle and the load thereon, be found to be unlawful or improper, then before such vehicle is operated further upon the public highways outside of the limits of an incorporated city or town, such license and weight inspector, highway patrolman, or sheriff, or their authorized deputies, shall demand and require the operator or owner thereof immediately to unload such portion of the load as may be necessary to decrease the gross weight of such loaded vehicle to the maximum limitation specified by law.

Section 5.

(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, receiver or association, or the servants, agents or employees of such person, corporation, receiver or association, who violates any provision of this Act; shall, upon conviction, be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars for the first offense; for a second conviction such person, corporation, receiver or association, or the servants, agents, or employees of such person, corporation, receiver or association, shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment; upon a third or subsequent conviction, such person, corporation, receiver or association, or the servants, agents, or employees of such person, corporation, receiver or association, shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment.

Upon the second conviction for a violation of any provision of this Act the license registration on the vehicle of the person, corporation, receivers or associations, which of whose officers, servants, agents or employees have violated any provision of this Act for the second time, shall be cancelled and the license registration plates on such vehicles shall be removed from said vehicles by any license and weight inspector of the Department of Public Safety, any highway patrolman, sheriff, or their duly authorized deputies. When such plates are removed by any such officer he shall deliver them to the county tax collector of the county in which said plates are removed, whereupon the county tax collector shall issue a receipt therefor and immediately forward the plates which have been removed to the Highway Department for cancellation, and the owners of said vehicles shall be required before such vehicles are operated further upon the public highways of this State to purchase new license for the unexpired portion of the year, just as though no registration of said vehicles had been made for the unexpired portion of the year, and shall pay therefor the full registration fees fixed by the laws of this State for the registering such vehicles for such period of time. If said person, association, receiver or corporation is operating upon authority of a certificate or permit issued by the Railroad Commission of Texas, upon a third conviction such certificate or permit under which said person, corporation, receiver or association operates shall automatically be cancelled by the Railroad Commission of Texas and shall not thereafter be reissued or revived. It is hereby made the duty of the Department of Public Safety to furnish the Railroad Commission of Texas each month an itemized statement of all arrests and convictions for violations of this Act, and if and when it appears therefrom that any person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, has been convicted a third time for violation of this Act, it is the mandatory duty of the Commission to cancel such certificate or permit and notify the owner thereof.

Any person, corporation, receiver or association, or the officers, serv-

ants, agents or employees of such person, corporation, receiver or association, may be prosecuted for violating any provision of this Act at any time and at any place, in the county in which such offense is committed and the prosecution and conviction of any such person, corporation, receiver or association or the officers, servants, agents or employees of such person, corporation, receiver or association at any time or place in any county, shall not prevent the subsequent prosecution and conviction at any time or place of any such person, corporation, receiver or association, or the officers, servants, agents or employees of such person, corporation, receiver or association, for violating the provisions of this Act, even though such subsequent prosecution be in connection with a movement which is part of the trip on which the first violation and prosecution and conviction occurred.

If any corporation, its officers, servants, agents, or employees shall violate any provision of this Act, in addition to the prosecution of such officers, servants, agents or employees of such corporation individually by the proper officers of this State, it shall be the duty of the Attorney General or any district or county attorney immediately to file suit in Travis County or any court of competent jurisdiction in any other county against such corporation to collect the penalties provided for in this Section.

Section 6. Upon the violation of any provision of this Act, any District Court of Travis County, or any district court of any county where such violation occurs, shall have the power to restrain and enjoin the person, firm or corporation, receiver or association so offending from further violating the provisions of this Act. Such injunctive relief may be granted upon the application of the Department of Public Safety, the Attorney General, and district or county attorney, or any interested party. No bond shall be required when such injunctive relief is sought upon the application of the Department of Public Safety, Attorney General or any district or county attorney. Such relief may be granted in suits for penalties as provided in Section 5 of this Act, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this Section.

Section 7. If any Section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and such Section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more of the Sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 8. All laws and parts of laws in conflict herewith are hereby repealed.

Section 9. The importance of this measure for the benefit of farmers, ranchmen, merchants, industries of this State, and the public generally, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rules relating to the reading of bills on three several days in each House and also the suspension of the constitutional rule which provides that laws shall not become effective until the expiration of ninety (90) days after the adjournment of the Session, and such rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Lanning offered the following substitute for the amendment:

Amend C. S. H. B. No. 19, page 2, line 2 as follows: strike out "48,000 pounds" and insert in lieu thereof "40,000 pounds."

Senator Van Zandt raised a point of order on consideration of the substitute on the ground it is not a proper substitute for his amendment.

The President overruled the point of order.

Question—Shall the substitute for the amendment be adopted?

Adjournment

Senator Moffett moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16

Aikin	Cotten
Beck	Fain
Chadick	Graves

Hill	Moore
Isbell	Shivers
Lemens	Stone
Martin	Sulak
Moffett	Van Zandt

Nays—14

Brownlee	Metcalf
Formby	Ramsey
Hazlewood	Smith
Kelley	Vick
Lanning	Weinert
Lovelady	Winfield
Mauritz	York

Absent—Excused

Spears

The Senate accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-FIFTH DAY

(Thursday, March 13, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for yesterday and today on account of important business, on motion of Senator Graves.

Senate Resolution 60

Senator Aikin offered the following resolution:

Whereas, We have just learned that Honorable Morris Roberts, a distinguished former member of the Senate, is in the City of Austin and is now in the Capitol Building; and

Whereas, Senator Roberts rendered distinguished service to his district and to the State as a member of this body; and

Whereas, His former colleagues and the present membership are delighted to have him as our guest today; now, therefore, be it

Resolved, That Senator Roberts be invited to address the Senate and be extended the privileges of the floor for today.

MAURITZ,
AIKIN,
MOORE,
WEINERT.

The resolution was read and was adopted.

Accordingly, Hon. Morris Roberts was escorted to the President's desk by Senators Mauritz, Aikin, Moore and Weinert and was presented to the Senate by Senator Aikin.

Senator Roberts then addressed the Senate briefly.

Senator Mauritz then addressed the Senate and commended Senator Roberts for his past services in the Texas Legislature.

Reports of Standing Committees

Senator Brownlee submitted the following report:

Austin, Texas,
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 43, A bill to be entitled "An Act to amend: Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended, defining 'commercial motor vehicles'; prescribing license fees for the registration of commercial motor